UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/C.12/1996/SR.34
5 March 1997

ENGLISH
Original: FRENCH

COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Fifteenth session

SUMMARY RECORD OF THE 34th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 21 November 1996, at 3 p.m.

Chairman: Mr. ALSTON

later: Mr. GRISSA

CONTENTS

CONSIDERATION OF REPORTS:

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (continued)

Third periodic report of Belarus (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Commission at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.96-19297 (E)

The meeting was called to order at 3.15 p.m.

CONSIDERATION OF REPORTS:

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (agenda item 4) (continued)

Third periodic report of Belarus (continued) (E/1994/104/Add.6; E/C.12/1995/LQ.6/Rev.1; HRI/CORE/1/Add.70)

1. At the invitation of the Chairperson, the delegation of Belarus took a place at the Committee table.

2. The CHAIRPERSON noted with pleasure that the Republic of Belarus was represented by a high-level delegation led by the Deputy Minister for Foreign Affairs.

3. Mr. ANTANOVICH (Belarus), introducing the members of his delegation, said that, as a future member of the Committee, the submission of his country's report would be a welcome exercise for him.

4. Stressing that, since its second periodic report (1991), Belarus had undergone social and economic upheavals which were more significant than at any time since the beginning of the century and which were still far from having produced all their effects, he said that he would supplement the information contained in the report and in the written replies transmitted to the Committee (in English only).

5. A context of crisis was the background for the problems involved in the implementation of the Covenant and the measures taken by the Government in the past 11 months to deal with them. Since the collapse of the Soviet Union and the establishment of the Republic of Belarus as a sovereign State, the country had been going through a transition period characterized by an ecoromic, social and cultural situation filled with contradictions, since it was heading towards democracy and a market economy, but it was still feeling the effects of the preceding system. It should, moreover, be borne in mind that, in the absence of civil and political rights as such, that system had guaranteed everyone the right to social protection, work, education, an adequate standard of living, physical and mental health and participation in cultural life. Belarus was thus not starting from scratch, but, like all the other newly independent States of the former Soviet Union, it faced the problem of protecting that achievement and even strengthening it while bringing about a basic reform of its structures during a period of crisis. The Republic of Belarus was one of the fragments of a country which had been very powerful and whose heritage had been distributed very unequally. Its energy basis was unbalanced, the volume of its production had dropped by half in recent years, inflation was rife, the budget deficit had deepened and considerable amounts had had to be spent to convert the military industry and alleviate the effects of the Chernobyl disaster. That explained why the social and economic situation had deteriorated despite efforts to maintain an acceptable standard of living.

6. According to the UNDP Human Development Report, however, the case of Belarus was not hopeless, since the development index in 1994 had stood at 0.847, which was better than a negative index, and Belarus was in fortieth place, right after the European States.

7. In order to get out of the crisis, Belarus had adopted an economic reform programme designed to raise the population's standard of living to a level comparable to that of the most advanced European States, which was, according to European Commission data, four times higher. It had adopted a policy of social, economic and cultural integration within Europe which was designed to enable it to enter the category of market economy countries while preventing the gap between rich and poor from widening. Some indicators already showed that production figures were no longer dropping and that there might even be a timid recovery of about 1 per cent.

8. The Government hoped that the economic efforts being made would be successful, but it refused to make the population pay for them and that was what explained its slowness and carefulness, for example, with regard to privatizations, which might create unemployment. That also explained the fact that it had mobilized resources to reduce the social impact of reforms and, in October 1996, had adopted a programme for the economic and social development of the country until the year 2000, which should slow the drop in output, speed up privatizations, bring about land ownership reform, gradually liberalize all forms of economic activity, help create small and medium-sized enterprises and establish a market economy infrastructure while laying the necessary legal foundations for the protection of the rights and freedoms of citizens. It would, however, be illusory to believe that that would be easy. The programme provided for health, training, cultural and employment measures, as well as measures on behalf of young people. It should increase GDP by 105 per cent per year and real household income by 4 to 6 per cent per year and reduce inflation by 2 to 4 per cent per year.

9. In the spirit of article 2, paragraph 1, of the Covenant, the President had adopted more than 20 decrees in 1996 in order gradually to ensure the full exercise of economic, social and cultural rights. The decrees related, *inter alia*, to the improvement of housing conditions for young people, the increase in the amount of scholarships and the timely payment of wages, pensions, scholarships and benefits.

10. As far as the exercise of economic, social and cultural rights was concerned, the relationship between Belarus and Russia could not be overlooked. The question of the integration of the two countries had been commented on in the foreign press, which had even predicted that Belarus would lose its sovereignty. That was absolutely not true. The two countries' economic, social and cultural integration on the basis of the European Community model, in which each State would keep its sovereignty and historical features, would guarantee the citizens of both countries, anywhere in the Union, absolute equality of rights as to social protection, employment, health, property ownership, housing, etc.

11. Referring to the referendum on the draft amendment of the 1994 Constitution that was to be held on 24 November, he said that the draft amendment provided for more extensive rights in a number of fields. For

example, the State would guarantee workers the right to take part in the management of their enterprise (art. 13) and young people the right to spiritual and moral development (art. 32); it would protect the right of every citizen to an adequate standard of living, including sufficient food, a dwelling, clothing and constant improvements in the conditions required for that purpose (art. 21); and it would guarantee access to health services (art. 45). The draft reform was being hotly debated in parliament and had given rise to street demonstrations, but it was to be hoped that it would be adopted and that the crisis would be overcome.

12. The report of Belarus had just been published and would be distributed shortly to all interested public bodies, main libraries and some national and international non-governmental organizations. The periodic report was being published by the Government for the first time.

13. He assured the Committee that the Government of Belarus would spare no effort in order better to fulfil its obligations under the Covenant.

List of issues: General information (paras. 1 to 5)

14. Mr. CEAUSU said that, in order to understand the situation created by the promulgation of a new Constitution in 1994 and the reason for the proposed reforms, at least one of the documents transmitted by Belarus (core document, report, written replies to the questions asked at the last session) should have described the structure and organization of institutions in Belarus. The Committee should have an idea of how the legislative, executive and judicial branches were organized and of the relationship between them.

15. In his statement, the Deputy Minister for Foreign Affairs of Belarus had referred to the decrees on human rights enacted by the President. He was surprised that, in a country which was trying to establish the rule of law and a balanced political system preventing one group from undermining the principle of democracy, i.e., the power of elected officials, the legislative branch did not have jurisdiction with regard to legislation. Belarus should therefore provide explanations on points such as the organization of the judiciary and the powers of the Parliament.

16. Mrs. JIMENEZ BUTRAGUEÑO said that the oral and written statements did not explain whether economic and political change had altered the distribution of wealth and whether the gap between rich and poor had widened or not.

17. Mr. TEXIER said that, although he too would like the questions raised by Mr. Ceausu and Mrs. Jiménez Butragueño to be answered, he realized that Belarus was now going through a very difficult period. The most important thing for the Belarus Government was to be constantly concerned about the consequences of the country's economic transition, particularly those of privatization, since experience had shown that it usually led to the impairment of economic, social and cultural rights. It was essential for the State to ensure respect for those rights at any cost and for the Government and the delegation to deal with that aspect of the situation in their replies to questions.

18. Mr. AHMED said that he welcomed the openness and courage the Belarus delegation had displayed and particularly drew the Committee's attention to the fact that the written replies were extremely realistic.

19. Mr. THAPALIA said that he wished to know whether it was correct that President Lukachenko had given the Ministry of Education instructions to get rid of "post-Soviet" school books, which had, in his opinion, treated Belarus like an entity that was too different from Russia. He would also like more detailed demographic, socio-economic and cultural statistical information.

20. Mr. RATTRAY said that he would like to know whether the authorities of Belarus considered that, in the present transition period, they were in a position satisfactorily to implement some provisions of the Covenant. Had they adopted a programme of action that would be applicable for a specific period of time and did they consider that some of the rights provided for by the Covenant were immediately applicable? It would also be interesting to know whether the Government of Belarus considered that the move towards a market economy was irreversible and whether the liberalization of the economy was an end in itself or a way of improving the quality of life of the citizens of Belarus. According to the written replies provided by the delegation, moreover, some of the rights provided for by the Covenant were not incorporated into national legislation. What measures did the authorities of Belarus intend to take in that regard? He would also like to understand why citizens did not have an opportunity to apply to the Constitutional Court when they considered that one of the rights recognized in the Covenant had been violated. During the referendum that was to be held shortly, would citizens be asked whether the President should be authorized to determine to what extent the rights recognized in the Covenant were applicable?

21. Mr. ALVAREZ VITA said that he wished to know whether a referendum could be organized on matters relating to economic, social and cultural rights and, in particular, to prevent an enterprise from being privatized. That question was particularly important because the powers of the Parliament appeared to be especially limited in Belarus.

22. Mr. GRISSA, noting that some countries of the former Soviet Union were now experiencing positive economic growth, said that it would be interesting to know whether the negative economic trend characteristic of Belarus was attributable to the fact that its economy was still very much linked to the Russian economy. Had the Belarus authorities taken any measures to diversify economic relations between the two countries and to reduce dependence on the Russian economy?

23. Mr. ADEKUOYE said that he would also like to know to what extent the Belarus authorities considered that they were capable of gradually ensuring the full exercise of the rights recognized in the Covenant, account being taken of the country's economic prospects. He would also like to know the position of the Government of Belarus on the draft optional protocol to the Covenant now under consideration. It was known that Belarus was making considerable efforts to realign its economy on that of Russia, where major deregulation, privatization and restructuring measures had been taken. What would happen if the pace of economic change in Belarus was not the same as that of the transition now taking place in Russia?

24. Mrs. BONOAN-DANDAN requested the delegation of Belarus to provide detailed information on the situation of women in its replies to the questions asked by the members of the Committee.

25. Mrs. JIMENEZ BUTRAGUEÑO asked what measures had been taken to give effect in the legislation to the articles of the new Constitution.

26. Mr. MARCHAN ROMERO said that he would like to have more detailed information on the main changes made in the new Constitution to reflect political and social changes in Belarus. That Constitution had, moreover, been adopted only in 1994, even though the country had become independent in 1991. Had the 1977 Constitution continued to be in force during the country's first three years of independence?

27. Mrs. AHODIKPE said that she wished to know how Belarus guaranteed that its legislation was in conformity with the principles of universal law. Could those principles be directly invoked in the courts and were the courts entirely free to hand down decisions in keeping with the law?

28. Mr. ANTANOVICH (Belarus) said that articles 6 and 7 of the Constitution embodied the principle of the separation and independence of the legislative, executive and judicial branches and the principle of the non-applicability of laws that were contrary to the Constitution. Belarus was the only former Soviet Union country where the powers of the Supreme Council took precedence over those of the President of the Republic. Following a referendum, the President was therefore considering the possibility of introducing various reforms, including the replacement of the Supreme Council, some of whose members held high-ranking posts in large enterprises, by a bicameral parliamentary system in which deputies would devote themselves exclusively to their administrative work.

29. The 1994 Constitution had strengthened the protection of economic, social and cultural rights. However, the legislation still had a number of gaps that would have to be filled and a constitutional amendment was necessary. Many laws had not yet been adopted to create the necessary conditions for economic and social development, and decrees were enacted by the President. The deterioration of the economic situation made it difficult to implement rights provided for in the Covenant, which was binding only in the Constitutional Court, but could be invoked in the other courts.

30. As part of the former Soviet Union, Belarus had had some economic success. Its standard of living had been 30 per cent higher than in the other countries of the former Soviet Union, including the Baltic countries. That had been because of the excellent training received by workers. It should be stressed that agricultural output continued to be adequate. He was convinced that the country would see slight economic growth within five years, but it would probably be the middle of the twenty-first century before the situation became normal. By way of comparison, he recalled that Mr. Kohl, the Chancellor of the Federal Republic of Germany, had recently stated that it would take about 15 years to bring the former GDR up to the level of the West German Länder. Thanks to the efforts it had made, however, Belarus had practically stopped asking for assistance from the IMF and other institutions.

31. Growth in neighbouring countries was, of course, stronger, but the President was no fool and he knew the consequences of intense growth, including an increase in unemployment. In Belarus, unemployment was only 5 per cent, but partial unemployment affected 20 per cent of the active population, with the result that the standard of living had declined.

32. Corruption was an enormous problem. Organized crime existed, especially drug trafficking, even though it was not as widespread as in other former Soviet Union countries. The gap between persons who had got rich through speculation and the rest of the population was enormous. The average wage was 1.4 million Belarus roubles, or about US$ 70. The income of 60 per cent of the population was even less than that. In his view, it was because the President had fought organized crime and refused to allow Belarus to become a transit area for stolen goods from Russia being taken to the rest of Europe that the country's growth was less than that of some neighbouring countries. Those countries had paid the price and a majority of their economic systems depended on Moscow gangs.

33. At present, Belarus was giving priority to economic and social relations with Russia, which was well on its way to democratization, because it was now easier to cooperate with Russia and the other CIS countries than with the rest of Europe. The aim was to open up CIS markets to high-tech companies which had been established to supply consumer goods to the Soviet Union. Only if cooperation with Russia did not work out would Belarus turn towards the European market.

34. Privatization was proceeding at a cautious pace. Only 9 per cent of public enterprises had been privatized, mostly in the services and trading sector. No large industrial enterprise had been privatized because of the lack of valid buyers or investors. It was often difficult to privatize. For example, a United States buyer had proposed modernizing an enterprise which had manufactured 500,000 tractors per year, provided that only 5,000 of the 100,000 workers in the enterprise were kept on. Carrying out that kind of privatization at the national level would mean putting over 500,000 persons out of work. The result would be civil war, if not the death of the Republic of Belarus.

35. It should also be emphasized that the population had got used to obsolete working methods and that absenteeism during the Soviet period had been very high. In most cases, the population expected everything from the State. It saw only the consumer society part of Western Europe and did not know that it was also a society with very high output. It was difficult to create small and medium-sized enterprises in Belarus because the population showed no initiative. Adversity nevertheless made people mature.

36. The situation of women was a matter of concern because women were the first to feel the effects of the economic crisis. In a way, they were the victims of socialist-style legislation which provided, for example, for maternity leave for up to three years. It was understandable that private enterprises should be reluctant to hire women.

37. Mr. Grissa took the Chair.

38. Mr. CEAUSU said that he wished to know whether the provisions of the Covenant were directly applicable by the courts. The written replies also stated that judges gave preference to internal law. Did that mean that it took precedence over the Covenant?

39. Mr. ANTANOVICH (Belarus) said that, in his opinion, there was nothing in the Belarus legal system to prevent the provisions of the Covenant from being fully implemented. His delegation would answer that question in detail the following day.

Issues relating to the general provisions of the Covenant (arts. 1 to 5)

40. The CHAIRPERSON, referring to the implementation of articles 1, 2 and 3 of the Covenant, said that he would like to know whether there were any displaced persons in the country and, if so, what measures had been taken to improve their situation.

41. Mr. ANTANOVICH (Belarus) said that, unlike some eastern European countries, Belarus had not experienced any large-scale population movements. On independence day itself, Belarus citizenship had been granted to all persons residing in the national territory. Cohabitation by the 100 or so nationalities that made up the country did not give rise to any problems, since the members of those minorities were scattered throughout the territory and, unlike the Tatars in Crimea, for example, did not have any particular territorial claims.

42. As a result of its geographical location, Belarus was a stopping-off place for the many Asians, including Indians and Pakistanis, who wanted to emigrate to western Europe. In order to solve that problem, it had taken part in the preparations for the Conference on Migration, which was to be held shortly under the auspices of the International Organization for Migration.

Issues relating to specific rights

Implementation of article 6

43. Mr. CEAUSU said that he would like to know why the necessary dismantling of the harmful economic system inherited from Communism was so slow and why Belarus was taking so long to implement its privatization programme. It would also be interesting to know how many bankruptcies there had been and what status workers had with regard to employment.

44. Mr. TEXIER, referring to paragraph 8 of the report, which stated that the number of unemployed workers for every 10 job vacancies had risen from 13 in December 1992 to 53 in December 1993, said that he wished to know what measures had been taken to deal with that alarming trend. What was meant by "concealed unemployment", since the official unemployment rate had been only 1.4 per cent in late 1993?

45. Mrs. JIMENEZ BUTRAGUEÑO said that she would like to know whether many small and medium-sized enterprises had been created.

46. Mr. ANTANOVICH (Belarus) said that only 9 per cent of public enterprises had been privatized and that the suspension of the privatization programme was only temporary. It was very difficult to know the exact number of

bankruptcies because many small and medium-sized enterprises went bankrupt even before they had been registered. Moreover, the registration procedure for new enterprises had not yet been definitely decided on.

47. "Concealed unemployment" meant "underemployment". In nearly all large enterprises, workers worked only two or three days a week. That situation would go on as long as the economic crisis had not been overcome. In addition, many micro-enterprises officially employed workers, but could not afford to pay their wages.

48. Collective bargaining agreements were concluded by employers, trade unions and workers themselves and related to such issues as working conditions and wages.

49. Mrs. BONOAN-DANDAN requested information on the employment of persons who did not have the same opportunities for access to the labour market (disabled persons, young people, etc.), on why more women than men were unemployed and on unemployment benefits and conditions to be met for entitlement to them.

50. Mr. ANTANOVICH (Belarus) said that those questions were answered in detail on pages 8 to 10, 15 to 18 and 41 and 42 of the written replies of Belarus.

51. Mr. ADEKUOYE said that he would like to know what measures had been taken to combat women's unemployment.

52. Mr. ANTANOVICH (Belarus) said that the Government organized training and recycling courses for women and encouraged enterprises to make more flexible working arrangements more widely available, especially part-time work. The Parliament was at present considering a bill on that question which provided, in particular, for social measures on behalf of women with children.

Implementation of article 7

53. Mr. CEAUSU said that he had been struck by a part of the written replies which stated that the minimum wage covered only about 11 per cent of the minimum consumer expenditure of a four-person household. He would like to have some explanations in that regard.

54. Mr. TEXIER, referring to paragraph 13 of the report, which stated that the monetary income of the population had increased by a factor of 13.3 times in 1993, whereas retail prices had risen by 16.8 times in the same period, said that it would be helpful to know what measures had been taken to combat the erosion of purchasing power.

55. He also wished to know what measures had been taken to renew machinery and equipment in enterprises, which were described as obsolete and therefore caused many accidents in the workplace (para. 21 of the report). He would also like some information on the power of the State commission for the assessment of working conditions to prevent work accidents (para. 20).

The meeting rose at 6 p.m.